

Budget Request by the Office of Budget and Program Planning

On behalf of the Judicial Branch

\$162,074 FY 2010

\$162,074 FY 2011

General Fund

The Executive is requesting \$162,074 general fund authority in the Supreme Court each fiscal year. This funding was inadvertently left out of the Court's base budget because the expenditures were recorded in a non HB 2 funding source. This authority should have been restored and should have become part of their fixed cost statewide present law adjustment. This funding is for video conferencing costs paid to the Department of Administration.



February 3, 2009

Montana Supreme Court Self-Help Law Program

The Self-Help Law Program, which operates under the auspices of the Montana Supreme Court, was launched with one-time-only funding from the 2007 Legislature. A decision about future funding will be made by the 2009 Legislature.

The Program consists of three components: (1) Self-Help Law Centers in Kalispell and Billings; (2) grant-funded programs to support self-represented litigants in eight other judicial districts; and (3) a form-development partnership with Montana Legal Services.

SELF-HELP LAW CENTERS

The Self-Help Law Centers have been in operation since January of 2008. The demand at the Centers has been far greater than anticipated, demonstrating an unfulfilled need that the Program has already taken meaningful steps to address.

The Yellowstone County Self-Help Law Center in Billings opened January 2, 2008. It is staffed by Patt Leikam under the supervision of District Court Administrator, Becky Bird. Patt is assisted on a part-time basis by two student interns from Montana State University, Billings, and one community volunteer.

The Flathead County Self-Help Law Center in Kalispell opened January 7, 2008. It is staffed by Kandy Satterlee under the supervision of District Court Clerk, Peg Allison. Kandy is assisted by two part-time student interns from Flathead Valley Community College, and one part-time community volunteer.

The Program uses two survey tools to evaluate the Self-Help Law Centers on an ongoing basis. An intake survey must be completed by anyone seeking more than cursory service at a Self-Help Law Center. A customer satisfaction survey is optional. Less than one fourth of the people served by Center staff have completed the customer satisfaction survey to date. However, feedback from those who took the time to respond has been uniformly positive.

During their first thirteen months of operation, the Self-Help Law Centers have served three thousand, three hundred, ninety (3,390) people. When the families of people who received direct service at the Centers are taken into account, the lives of nine thousand, one hundred four (9,104) Montanans (many of them children) have been positively affected by the assistance provided.

Well over half (60.5%) of people who have asked for assistance at the Self-Help Law Centers needed help with family law issues (divorce, custody, support, etc.). Other issues addressed by Center staff include name changes; guardianships and adoptions; debt collection actions; landlord/tenant issues; and matters relating to wills and estates.

Most of the people served to date have needed help finding legal forms and/or legal information (79.3%). About half of the people who have visited the Self-Help Law Centers were thinking about initiating a court action (54.4%). Most of the others had already filed a case and needed additional assistance, or needed help responding to a legal action that had been filed against them (24.6%).

The majority of people who have been assisted at the Self-Help Law Centers would have qualified for free legal services under the income-eligibility requirements of Legal Services Corporation (LSC). LSC is the federal agency that funds legal service programs for low-income people across the United States.

Nearly all (99.1%) of the people who responded to a question regarding their overall satisfaction with the service they received at the Self-Help Law Centers indicated that they were either very satisfied (91.5%) or satisfied (7.6%) with the service they received. 99.5% of the people who responded to a question about insight into their legal situation indicated that the information they got increased their understanding of the legal problems that motivated them to seek assistance. 98.9% of the people who responded to a question about the next step to be taken indicated that they knew what to do next. Over 99% of the people who responded to questions about the Self-Help Law Center staff indicated that the staff seemed knowledgeable, listened to what they had to say, explained things clearly and treated them with respect.

Most of the people who responded to a question about recommending the Self-Help Law Centers (99.8%) indicated that they would recommend the Self-Help Law Center to a friend with a legal problem or question.

The vast majority of the people who responded to a question about their plans (91.8%) indicated they were planning on representing themselves. Nearly 65% of those who planned to represent themselves indicated that they could not afford an attorney.

MINI GRANTS

With limited resources available to the Self-Help Law Program, it was impossible to open a Self-Help Law Center in every venue. To supplement the work being done in the Self-Centers and to support local efforts to assist self-represented litigants, the Self-Help Law

Program requested proposals for mini grants in areas where Self-Help Law Centers were not financially feasible. Each of the eight grant applications we received was tailored to the unique needs of the courts, court personnel and *pro se* litigants in a particular area. The Self-Help Law Program funded all eight proposed grants. Evaluation tools, similar to the intake and customer satisfaction surveys employed in the Self-Help Law Centers have been made available to the mini-grant programs so that the Self-Help Law Program can compile uniform data regarding Program use.

A brief description of the grant proposal and the current status of each grant follow.

Second Judicial District (Butte-Silver Bow County). The proposal from the Second Judicial District was for public access computers to supplement local efforts in assisting self-represented litigants in the district and justice courts, and financial support for continuing legal education regarding the pro bono obligation of attorneys and opportunities to assist with the local self-help law program. The Second Judicial District Pro Se Assistance Project is fully operational. It has assisted forty-three (43) people and, with the assistance of Statewide Pro Bono Coordinator Patty Fain, contemplates hosting a continuing-legal-education event in the near future.

Fourth Judicial District (Missoula and Mineral Counties). The Fourth Judicial District requested a part-time pro se coordinator to assist self-represented litigants in family law matters who are ineligible to participate in Montana Legal Services Association Family Law Clinics. Since it was launched July 30, 2008, the Missoula Family Law Self-Help Center has served two hundred thirty-seven (237) people.

Eighth Judicial District (Cascade County). The proposal from the Eighth Judicial District was for public access computers and a part-time staff person to assist self-represented litigants at the Cascade County Law Clinic in both contested and uncontested matters. The Eighth Judicial District Access to Justice Project has assisted fifty-five (55) people since it became operational last May.

Ninth Judicial District (Glacier, Toole, Pondera and Teton Counties). The Ninth Judicial District requested a part-time pro se coordinator to provide remote assistance with the use of a laptop computer to self-represented litigants in all four counties within the district. The agreement with Toole County has been signed. A part-time pro se coordinator has been hired and the Ninth Judicial District Self-Help Law Program has served thirty-nine (39) people since September 3, 2008.

Tenth Judicial District (Fergus, Judith Basin and Petroleum Counties). The proposal from the Tenth Judicial District was for a laptop computer and a part-time staff person to provide remote assistance to self-represented litigants and to coordinate the efforts of pro bono attorneys in connection with document-review clinics. The Tenth Judicial District Self-Help Assistance Program began assisting

people in each of the four counties within the district last September. Seventy-eight (78) self-represented litigants have been served to date.

Twelfth Judicial District (Liberty, Hill and Chouteau Counties). The Twelfth Judicial District proposed a family law mediation program administered by a contract attorney and a laptop computer to assist pro bono attorneys in conducting family law classes and clinics. Since becoming operational this past fall, the Twelfth Judicial District Self-Help Law Program has assisted with the mediation of three (3) family law matters.

Eighteenth Judicial District (Gallatin County). The proposal from the Eighteenth Judicial District was for a public access computer and a part-time staff person to assist self-represented litigants in connection with an existing pro bono family law clinic program. The Eighteenth Judicial District Family Law Clinics Project has assisted thirty-eight (38) people over the course of the past several months.

Twenty-First Judicial District (Ravalli County). The Twenty-First Judicial District requested child support calculation software and contract attorneys to assist self-represented litigants in connection with the child support component in family law matters. The Twenty-First Judicial District Self-Help Law Program has completed two (2) child support calculations since it became operational in November of 2008.

FORM-DEVELOPMENT TEAM

Making user-friendly forms available to self-represented litigants is a critical part of any effort to ensure meaningful access to our justice system. Consequently, the Self-Help Law Program has contracted with Montana Legal Services to develop fillable electronic forms and instructions that comply with Montana law, and that incorporate "plain language" standards to ensure maximum readability and usability by self-represented litigants.

The form-development team is focusing its efforts on a list of forms and instructions derived from a survey of judges and clerks of court. To date, name change (adult, child and sealed record), emancipation, stepparent adoption and modification of parenting plan form packets have been reviewed and tested by judges, clerks of court, attorneys and self-represented litigants; and approved for use by the Montana Supreme Court Commission on Self-Represented Litigants. Several more form packets are currently pending Commission approval.

A complete list of forms and instructions that have been, or will be, developed follows.

How to Modify a Parenting Plan (including necessary forms, response pleading, and instructions).

How to Enforce my Parenting Plan (including a form for Contempt for Failure to Follow Parenting Plan, response pleading, and instructions).

How to Legally Change a Name (including necessary forms and instructions for both minor children and adults).

How to Prepare a Simple Will (including a sample will for people with minor children and without minor children, and instructions).

What Do I Do if I'm Named a Personal Representative for a Small Estate? (including necessary forms and instructions for completing a Small Estate Summary Administration procedure).

Eviction: Information for Tenants and Landlords (including an action for possession form, response pleading and counterclaim form, and instructions).

A Guide to the Rights and Responsibilities of Landlords and Tenants (including sample forms, letters, and instructions).

Guardianship of a Minor (including forms and instructions).

Execution Procedure: Information for Debtors and Creditors (including forms and instructions).

Information on Becoming an Emancipated Minor (including necessary forms and instructions).

How to Appeal Your Case to District Court (including necessary forms and instructions).

How to Appoint a Power of Attorney (including necessary forms and instructions).

How to Complete a Stepparent Adoption (including necessary forms and instructions).

RECENT DEVELOPMENTS AND SPECIAL INITIATIVES

VISTA Member. The Self-Help Law Program and the Montana Supreme Court Commission on Self-Represented Litigants have obtained the services of AmeriCorps VISTA Member, Kendra Nickel. Kendra arrived in Helena the second week of July and is headquartered in the Office of the Court Administrator. She is assisting the Self-Help Law Program in volunteer recruitment, training and evaluation. Kendra is also working on various projects for the Commission on Self-Represented Litigants.

TIG Grant. The Self-Help Law Program partnered with Montana Legal Services Association and the University of Montana School of Law in connection with an application for a Technology Initiative Grant from Legal Services Corporation to fund course work and the production and distribution of educational videos addressing the needs of self-represented litigants. The grant was recently awarded by Legal Services Corporation and an Advisory Committee has been formed to assist in effectuating the purposes of the grant.

Public Library Partnership. The Self-Help Law Program, the Commission on Self-Represented Litigants and the State Law Library are forming partnerships with public libraries to make Internet resources available to self-represented litigants at their local libraries. Internet-navigation training will be made available to public libraries that choose to participate in this effort. The public-library program was recently piloted in the Thirteenth and Seventeenth Judicial Districts and plans are underway to expand this initiative to include libraries in other judicial districts.

Self-Represented Litigation Bench Guide. An enhanced version of a national bench guide on handling cases involving self-represented litigants was distributed to Montana bench officers at meetings of the district courts and courts of limited jurisdiction in 2008. The bench guide covers all aspects of litigation in which at least one of the parties is self-represented. Topics covered by the bench guide, include the ethical duties of judges in dealing with self-represented litigants, case flow management issues, due process considerations and the role of judges in ensuring equal access to justice.

Direct Service AmeriCorps Grant. The Self-Help Law Program, in partnership with Montana Legal Services Association and the Montana Attorney General, has applied for a grant that would provide direct service AmeriCorps members to assist in staffing the two Self-Help Law Centers and select mini-grant programs. A decision on the grant application is anticipated early this summer.

Self-Represented Litigant Guides. The Self-Help Law Program is developing a series of guides designed to assist self-represented litigants in navigating our court system. The first of these guides, titled "Going it Alone," addresses the risks and responsibilities associated with self-representation. "Going it Alone" has been made available to the Self-Help Law Centers and mini-grant programs, and was recently distributed to judges and clerks of court in both the district courts and the courts of limited jurisdiction.

VISIT OUR WEBSITE

For more information about the Self-Help Law Program, including contact information for the Self-Help Law Centers and eight mini-grant programs, please visit our website at: <http://courts.mt.gov/self-help/default.asp>.

HOW TO REACH US

The Montana Supreme Court Self-Help Law Program is administered by Lonnie Browning under the supervision of Beth McLaughlin, Director of Court Services, Office of the Court Administrator. Lonnie can be reached by telephone at (406) 841-2904 or by e-mail at lbrowning@mt.gov. AmeriCorps VISTA member, Kendra Nickel also works out of the Office of the Court Administrator and can be reached by telephone at (406) 841-2974 or by e-mail at knickel@mt.gov. Our mailing address is: Montana Supreme Court Self-Help Law Program, Office of the Court Administrator, P.O. Box 2093005, Helena, Montana 59620-3005.

DP 4001: Minimum Staffing For District Court Judges

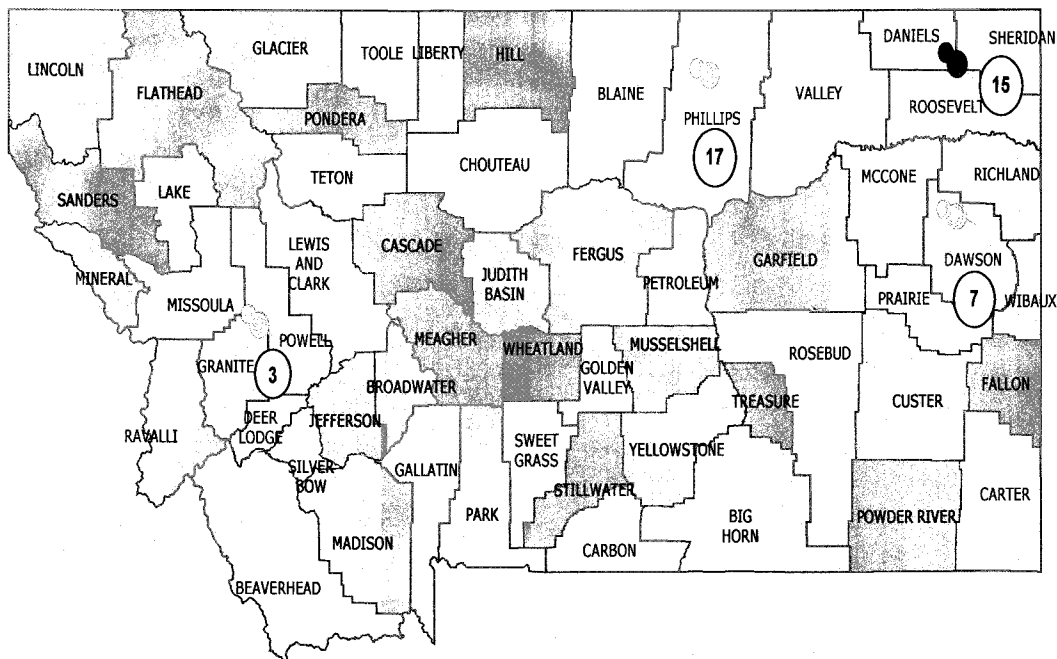
New Proposal

Law Clerks (3.0 FTE)

- Third Judicial District (Deer Lodge, Granite, Powell Counties)
- Seventh Judicial District (Dawson, McCone, Prairie, Richland, Wibaux Counties)
- Seventeenth Judicial District (Blaine, Phillips, Valley Counties)

Judicial Assistant (1.0 FTE)

- Fifteenth Judicial District: (Daniels, Roosevelt, Sheridan Counties)



Intervention and Prevention Account General Fund Reversions

Fiscal Year	Amount Transferred	Amount Spent	Amount Reverted to General Fund
2004 (Spend through FY06)	\$924,808	\$906,012	\$18,796
2005 (Spend through FY07)	\$1,205,396	\$1,177,612	\$27,784
2006 (Spend through FY08)	\$1,874,748	\$1,874,443	\$305
2007(Spend through FY09)	\$2,329,194	N/A	N/A
2008 (Spend through FY10)	\$2,099,916	N/A	N/A

IMPACT OF \$1,000,000 ANNUAL REDUCTION IN PLACEMENT MONEY

- The annual allocation to judicial districts will be reduced by nearly 20% from \$4.46 million to \$3.57 million.
- Fewer dollars means less funding for community-based services and programs. Likewise, requests for funding from the Cost Containment Pool will increase, further reducing money available for these services and programs.
- Without funding for community-based services and programs, more youth will be placed in group homes and residential treatment facilities. These placements are much more costly, more restrictive, and remove youth from their communities.
- A funding shift from Medicaid to state general fund money for therapeutic group home placements will further drain Youth Court funding. Room and board costs for a therapeutic group home are paid for with JDIP funds while treatment costs are covered by Medicaid. As early as FY 2010, the room and board costs, which are currently approximately 20% will increase to at least 30%.